

County Courthouse Construction Fund
Expenditure/Encumbrance Request Procedures
Effective January 1, 2004

Judicial Council of California
Administrative Office of the Courts
Office of Court Construction and Management
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Revised June 27, 2005

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1. Purpose of Procedures

The Administrative Office of the Courts has established procedures to implement Government Code section 70404.¹ Section 70404 requires that, effective January 1, 2004, counties must obtain the approval of the Administrative Director of the Courts for any expenditure or encumbrance of funds from the county Courthouse Construction Fund ("CCF") established pursuant to section 76100. However, approval of the Administrative Director of the Courts is *not* required if the expenditure or encumbrance of funds is for any of the following purposes:

- a. Repayment or refunding of existing bonded indebtedness with respect to a building containing court facilities to achieve monetary savings to the county. (§ 70404(b)(1).)
- b. Payment for pending phases of maintenance projects, as specified in section 70326(d). (§ 70404(b)(2).)
- c. Payment for pending phases of projects involving court facilities, as specified in section 70331. (§ 70404 (b)(3).)
- d. Lease payments for court facilities, as permitted under section 70359(d). (§ 70404 (b)(4).)

If the funds were approved in full, for the specified purposes, by the county board of supervisors, prior to 1/1/04, then approval of the Administrative Director of the Courts is not required.

Compliance with the stated procedures does not relieve the counties of their responsibility to provide facilities that meet requirements of existing laws and regulations within the scope, funds and schedule requested.

2. Request for Approval of Expenditure or Encumbrance

Please use the *Request for Approval of Expenditure or Encumbrance* form that is included as item 4 of this package.

Two copies of the request form should be submitted to:

Zenaida Mananquil
Office of Court Construction and Management
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
415- 865-8827

¹ Except where otherwise indicated, all statutory references are to the Government Code.

Zenaida.mananquil@jud.ca.gov

Questions concerning the request procedures or form may be directed to:

Lee Willoughby, Assistant Director
Design and Construction Services
Office of Court Construction and Management
Administrative Office of the Courts
2880 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833
916-263-1493
Fax 916-263-1329
lee.willoughby@jud.ca.gov

3. Review Process

Representatives of the Office of Court Construction and Management (“OCCM”) will review the *Request for Approval of Expenditure or Encumbrance* submitted by the county. OCCM will discuss the request with court staff and may also convene a meeting or telephone conference with the county staff and/or court staff to clarify any aspect of the request.

In reviewing the request, the OCCM will consider whether the proposed expenditure or encumbrance is consistent with the requirements of Government Code section 76100 with regard to permissible use of county courthouse construction funds. OCCM will also consider whether the project for which approval is requested is consistent with the findings and recommendations contained in the county’s superior court facilities master plan, and whether the court agrees with the purpose of the proposed expenditure or encumbrance.

To facilitate review of the request, cost estimates should be detailed, complete, and include all design, support, and construction costs in an industry-standard format. Likewise, schedule information should be detailed, complete, and include timelines for all major activities required to complete the project.

This should include without limitation, historical records of revenue, detailed pro forma showing all amounts and sources of incremental funding, proposed bond terms including debt amortization schedules, existing encumbrances on designated revenue sources and any drawings, specs, plans, any permits, variances, and CEQA compliance.

OCCM will generally require two to four weeks to review the completed request form.

Following its review, OCCM will submit a recommendation to the Administrative Director of the Courts with regard to approval of the requested expenditure or encumbrance.

The decision of the Administrative Director will be provided to the county in writing.

County Courthouse Construction Fund

Request for Approval of Expenditure or Encumbrance

Submit two copies of this form to:

CCF Coordinator
Office of Court Construction and Management
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

1. Indicate nature and amount of request (check one):

- ☐ Expenditure in the amount of \$ _____
- ☐ Encumbrance in the amount of \$ _____

2. Indicate purpose of expenditure or encumbrance (check all that apply):

(See Government Code section 76100.)

- ☐ Acquisition
- ☐ Rehabilitation
- ☐ Construction
- ☐ Financing

3. Describe the project for which approval of proposed expenditure or encumbrance is requested

(attach additional pages if necessary):

4. State how the proposed expenditure or encumbrance is consistent with the superior court facilities master plan (attach additional pages if necessary):

5. Project costs (attach a detailed cost estimate that includes all design, support, and construction costs in an industry-standard format):

6. Project schedule (attach a detailed schedule that includes timelines for all major activities required to complete the project, including, without limitation, any permits, variances, and California Environmental Quality Act (CEQA) compliance):

The information contained in this form, including all attachments, is true and correct. The project for which approval of the proposed expenditure or encumbrance is requested complies with the requirements of Government Code section 76100.

Signature of county representative

Date

The court has been informed of the county's request, including the amount and the purpose of the proposed expenditure or encumbrance.

Signature of Presiding Judge

Date